

MAW-ANGRY WHEN WIFE DIDN'T COME

Keenly Disappointed Because
Evelyn Failed to Meet Him
in Court at White Plains.

CASE ADJOURNED UNTIL SEPTEMBER

Prisoner to Be Lodged in Jail at
Poughkeepsie Until Judge
Is Ready to Pass Upon Ap-
plication for Jury Trial—
Plays Croquet With
Deputy Sheriff.

WHITE PLAINS, N. Y., July 13.—Proceedings in Harry K. Thaw's application for a jury trial to determine his mental condition were today adjourned until the September term of the Supreme Court of Westchester county, the arrangement being entered into before Judge Mills by Thaw's counsel and District Attorney Jerome of New York. In the meantime Thaw will remain in the custody of Sheriff Chanler, of Dutchess county, and will stay in the jail at Poughkeepsie.

The agreement to adjourn the proceedings to September had been entered into by the attorneys before the case was called to-day. When the stipulation was presented to Judge Mills in court he said at first he did not approve the agreement, inasmuch as counsel were not agreed as to where Thaw would remain in the meantime. After Mr. Morgenshausen had threatened to withdraw from the agreement and insist upon an immediate hearing on the point at issue, a representative of Mr. Jerome, who was present, finally joined in the request that the prisoner be remanded to the Poughkeepsie jail. Judge Mills then gave his approval and directed that on September 21st Thaw be again produced before him at White Plains, when argument will be made on the application for a jury trial.

Thaw expected his wife to meet him in the courtroom here to-day, and when she did not arrive on an early train from New York, he failed to put in an appearance at all.

Affidavit Presented.
Mr. Morgenshausen brought with him for presentation to the court several affidavits of support of his application to have Thaw detained in the Poughkeepsie jail while the proceedings before Judge Mills are pending. One affidavit was by Dr. Sillos, a well-known family physician in New York, who said: "He entered Matteawan in fairly good physical health, mentally vigorous and active, and of normal intellect and rational mind. During my examinations while Harry Thaw was at Matteawan he gained in weight, but lost decidedly in mental vigor and stamina. The gain in weight, while apparently a symptom of increased health, was in reality only due to the change in diet from the normal steady diet and carbohydrate food such as bread and potatoes. On July 1st, after his confinement in Poughkeepsie jail, he lost weight, and his change. The action of the stomach and liver were again normal. While he had gained three or four pounds, his flesh had become firmer and more healthy and his appearance and conversation denoted a return to the former vigorous condition. These improvements were not, however, evidence of mental inferiority."

Another affidavit by Dr. Charles W. Pilgrim, superintendent of the Hudson River asylum, who said: "During the Poughkeepsie, who was one of Thaw's experts at the former trial, was introduced. It was similar to that of Dr. Sillos. Dr. Pilgrim declared that never at any time has he observed in Thaw any symptoms indicating paranoia. His condition and conversation were a normal sane man, and his doctor said his temper was under control."

A third affidavit was made by A. Russell Peabody, who said: "Thaw is dangerous to Thaw's health to recommend him to the institution at Matteawan."

Played Croquet.
After dinner at a hotel Thaw and his counsel, who are here, were taken to the juvenile department of the county jail, which has no other prisoner. While waiting for the jury trial, Thaw played croquet with Roger O'Mara and Deputy Sheriff McCabe, of Poughkeepsie.

JAPAN'S NEW CABINET
Premier Katsura Submits Names to the Mikado for Approval.

TOKIO, July 13.—Marquis Kato Katsura, the new premier, appointed to frame the new cabinet, following the resignation of the entire cabinet, submitted to the Mikado today the list of ministers which he had drawn up. The personnel of the new cabinet will be announced to the public after the expiration of the conventional two days. The change in cabinets is greeted with considerable interest by the Japanese press, for they call the change a "wrestling match" used in contests where the result is prearranged.

As soon as the new cabinet is formed, the Japanese press will be able to tell the difference between the smiling Marquis Katsura, the "Genro," the Japanese statesman, and the manipulator of Japanese politics, and the whole system of constitutional government a mere puppetry to serve their own ends.

MURPHY IS HOPEFUL
Thinks Bryan's Chances Good for Carrying New York.

NEW YORK, July 13.—Charles F. Murphy, the Tammany leader, and several of his personal friends, who arrived in New York to-day on their return from the Democratic convention at Denver, Mr. Murphy says he believes the Democratic ticket has a good chance of carrying New York State this year.

"Everything in this State is harmonious now," he said. "The up-State leaders with whom we have talked since leaving for the West, seem to think the outlook in their districts is very bright. I am sure that the States in the Middle West are well disposed for Bryan and Kern."

OSLER AT 60 TAKES—COFFEE

No Chloroform for Scholar Whose Reported Utterances Created Sensation.

NEW YORK, July 13.—Dr. William Osler, the Oxford scholar, who lectured at Johns Hopkins University in 1905 was widely quoted as saying "What man's best usefulness was past at fifty, and that he would be a mere shadow at sixty, entered upon his sixtieth year yesterday."

Did he call for the chloroform hot-bath in the instructions as to the kind of epitaph he wanted?

No, not he. He called for coffee and tea, remarked that it was a fine day and read all the papers in the morning papers. Then he dressed himself for church and walked to the house of worship on foot.

Now, it appears that Dr. Osler is about to enter a contest with Winston Churchill and George Wyndham, former Chief Secretary for Ireland, for the chair of the University of Edinburgh. The race is scheduled for next November, and it is understood Dr. Osler is to begin training now.

Since the contestants are not to carry weight for age, Dr. Osler is believed to have a fine chance, and the other hand, in the event, he is said to have announced that if he is a loser, he will not permit his defeat to dampen his ardor for the work.

English sporting blood has now cooled as a result of Dr. Osler's announcement of his candidacy for the chair of Edinburgh University. As Dr. Osler's birthday approached it was recognized that he must either drink chloroform or eat his words, and the pounds of coffee and tea were ordered.

Dr. Osler, having dined comfortably on his words, will now, his English sporting blood has now cooled as a result of Dr. Osler's announcement of his candidacy for the chair of Edinburgh University. As Dr. Osler's birthday approached it was recognized that he must either drink chloroform or eat his words, and the pounds of coffee and tea were ordered.

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WOMEN TAKE MORE AND THE MEN LESS

Rather Surprising Statement
by Mr. Peeke as to Pro-
gress of Temperance.

WOULD HAVE PLATFORM OF BUT ONE PLANK

Move Started in Ohio State Con-
vention to Have the Na-
tional Prohibition Con-
vention Declare Itself
on Only the One
Issue.

COLUMBUS, O., July 13.—A plat-
form of one plank, confined to
the single issue of prohibition,
is the object of a move started
at the opening session of the
State prohibition convention this
afternoon by Temporary Chairman H. L.
Peeke, of Sandusky, and the struggle
will be carried to the national prohi-
bition convention on Wednesday.

Mr. Peeke, in an address, which con-
sumed more than two hours, assailed
female suffrage, which has come to be
regarded as an established tenet of the
Prohibition party, declaring that women
drink more and men less than they
did a decade ago, and that the
weakest laws regulating the liquor
traffic are in the woman suffrage
States of Colorado, Idaho, Utah and
Wyoming. He assailed the indifference
of the churches to the prohibition
movement, criticized the Anti-Saloon
League, and praised George B. Cox, of
Cincinnati, for refusing to credit
votes to temperance that were not cast
for prohibition tickets.

Bearded and white-haired men were
in a majority among the delegates, and
a dozen women were enrolled as alter-
nates. The convention was opened by
the singing of "America." Rev. W. F.
McCauley, of Cincinnati, offered prayer,
and Professor J. W. Holton, of Oberlin,
sang "The World Is Moving On."

In response to the question, "How
many of those present voted for the
first Prohibition candidate for Presi-
dent, John P. St. John?" forty hands
were raised.

Not Indorse Anti-Saloon League.
Contrary to expectations, it is said
to-day by prominent delegates to the
National Prohibition Convention there
will not be a bitter fight over indorse-
ment of the Anti-Saloon League by the
convention here this week. The senti-
ment of the men directing affairs in
the party is epitomized by National
Chairman Charles R. Jones, of Chicago,
who said to-day:

"No delegate will have the temerity
to introduce a resolution indorsing the
Anti-Saloon League. The sentiment of
the convention is against it. There
will be no fight on this proposition."

On the other hand, some of the anti-
saloon men insist that they will bring
the question to the attention of the
convention.

The National Prohibition Convention
will convene in Memorial Hall on
Wednesday, the executive committee
meeting on Tuesday to select the tem-
porary officers.

Suggested for President.
The fight for the nomination for
President started to-day in earnest,
when many of the delegates began
coming in. Seaborn Wright, of Georgia,
has been prominently mentioned. Some
of the Indiana delegates, who are nomina-
ting outside the party for the nomina-
tion, are making a somewhat startling
position to nominate Governor Han-
cok, of Indiana, for President. He would
be acceptable to the Prohibitionists,
although a Republican.

Others want to nominate Governor
Glenn, of North Carolina, and others
are talking of Congressmen Charles E.
Littfield, of New York, and William
C. Brown, of Ohio, who supported
liquor in interstate commerce under
certain conditions.

The national committee has in its
war chest \$20,000 and contributions are
coming in very fast, especially from
the South. A large vote of opinion
among the Prohibitionists was in 1902, when
the candidate secured a total vote of
200,469.

Chairman Jones estimated to-day
that the vote will pass this high
water mark this year, because of the
marked increase in prohibition terri-
tory, especially in the South. He esti-
mated that the number of people em-
braced in prohibition territory has
grown since the last national election
from 20,000,000 to 40,000,000.

There are 1,619 delegates.

DISARM GUARD AND ESCAPE
Convicts at Work on Road Take
Guard's Weapons and Flee.

Special to The Times-Dispatch.
ORANGE, VA., July 13.—A guard
C. Brown, of Orange, who was guard-
ing the road about a mile
and a half north of this place this
morning, one of the prisoners knocked
the guard down with a rock and they
quickly overpowered him, and taking
his repeating shotgun and pistol, five
of them made their escape.

The news soon spread, and a large
number of men were scouring the coun-
try around. Two of the negroes were
captured by Mack Gooding near Mad-
ison Mills. The other three made their
escape into Madison county and when
last seen were entering Lost Mountain,
a spur of the Blue Ridge. They are
still being pursued by a large body of
armed men, and it is believed that
the names of those who escaped are
William Thomas, John Brown, Joe Hill,
Ed. Gipson and Charles Allen.

ABRUZZI-ELKINS WEDDING
King to Make Occasion a Holiday of
Importance and Pardon Many.

Special Cable to The Times-Dispatch.
LONDON, July 13.—The Globe to-day
published a dispatch from its Rome
correspondent announcing that the
King of Italy has decided to make the
celebration of the Abuzzi-Elkins wed-
ding a holiday of considerable im-
portance throughout the Kingdom.

In connection with the festivities a
proclamation of general amnesty will
be issued, whereby certain offenders,
particularly of a political character,
whether banished or out of the coun-
try, will be returned and enjoy the
full rights of citizenship.

WEATHER.
Rain.

"RIGHT TO LIVE" STRONG AND CLEVER

First Presentation at Acad-
emy Last Night Well
Received.

STORY DARING, BUT FULL OF BRIGHT LINES

Miss Scott Carries Off the Hon-
ors, But Shares Them With
Miss Dunbar and Miss
Johnson—Whole Com-
pany Gives Satisfac-
tory Performance.

JULES ECKERT GOODMAN's play
proved its title last night for
"The Right to Live" will
without doubt take its place
among the successes of the
stage.

For the first time in any playhouse
this human interest story was told at
the Academy, and when the remem-
bers that but five days were expended
upon the ambitious production, nothing
but praise of a very high order
could be accorded to the excellent
company of actors, for not only were
the pictures real and convincing,
but every character was portrayed with
cleverness and with an artist's touch.

Strange as it may seem, there were
no rough edges, no painful pauses or
hideous halts, and every scene went
by with the smoothness of a long run,
and the narrative was driven home
with unerring hands.

The story was too long drawn out,
there was too much of what Bernard
Shaw calls "talky-talk," an over-
abundance of declamation and mono-
logue, but the play was so cleverly
handled that the imagination, and those
across the footlights might have
enjoyed certain parts of the more, had
they not been so lightly held by the
hand and led over dangerous literary
footpaths.

A bit of criticism, however, weighs
light in the scale of comparison, for,
on the other hand, the play possesses
so much of cleverness and
cleverness, more than any other play
seen here, that it is difficult to find
fault with it.

Even those "talky-talk" bits are de-
lightful, for as "Cliss" says, "all of us
think beautiful words, but so few of us
can use them."

Back to the Monkish Days.
Some one has said that there is
nothing new under the sun, and indeed
this play is no exception. It is a story
of a woman's life, and a woman's
love, and a woman's struggle for
freedom.

The "Right to Live" goes
back many centuries—back to the days
of the Middle Ages, when a woman
was a slave, and her life was a struggle
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SHOT BY WIDOW OF MAN HE HAD KILLED

Dr. James W. Simpson Per-
haps Mortally Wounded
by Mother-in-Law.

CUT DOWN BY BULLET WHERE VICTIM FELL

Dentist Who Killed Hartley T.
Horner, His Father-in-law,
Fired Upon Within Few
Feet of Scene of For-
mer Tragedy—Wife
Against Him.

NORTHPORT, N. Y., July 13.—
Standing within a few feet of
the spot where, a little more
than two years ago, he shot
and killed his aged father-
in-law, Dr. James Weddell Simpson, a
dentist, of New York, was shot and
perhaps mortally wounded to-day by
his mother-in-law, Mrs. Hartley T.
Horner, the woman he made a widow.

Dr. Simpson's wife, from whom he
has been estranged for many months,
was near when the shot was fired, but
she did not witness the shooting. Upon
learning that it was her husband who
had been wounded, she refused to go
near him, and Dr. Simpson had to
crawl to a house 200 feet away to
have his wound attended to. Mrs.
Horner was later arrested and held in
\$5,000 bail, while Dr. Simpson, with
the assistance of two friends, made his
way to Roosevelt Hospital, in New
York.

The bullet lodged in his liver,
and an immediate operation was per-
formed to take the bullet out. The
doctors said to-night that Dr. Simpson
has only a small chance of recovering.

Their Stories Differ.
Statements from Dr. Simpson and
from Mrs. Horner differ in the circum-
stances attending the shooting. Dr.
Simpson says that he was walking
alone at night, and that he was
shot from behind. He says that he
went to the Horner home to talk with
her about it. He says he rang the
doorbell, and that Mrs. Horner re-
sponse, peered through the door, and
he saw Mrs. Horner, he says, and
called to her to open the door. Then
Dr. Simpson says that Mrs. Horner
entered his body about the abdomen,
and that he fell back against the door-
sill, second time Mrs. Horner fired,
he claims, but the bullet went wild.

Mrs. Horner does not deny that she
shot Dr. Simpson, but she contends a
revolver was in her hand, and that
she fired it. Through her lawyer, Row-
land Miles, she said that Dr. Simpson
had several times called at the house
and that Mrs. Horner was charged
with felonious assault.

After Justice Hawkins had fixed bail
at \$5,000, Mrs. Horner was charged
with felonious assault, and secured the
release of her mother, Justice
Hawkins set the hearing for next
Wednesday.

Unhappy Domestic Events.
This second tragedy at the Horner
home, after the shooting of Dr. Simp-
son, is another domestic event of the
last few years.

The shooting of Hartley T. Horner
by his wife, Mrs. Horner, was the
last of a series of domestic events of
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